IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 31495 of 2006(Y)

PETITIONER:

MOHANDAS, KAILAS NAGAR,
KESAVADASAPURAM, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.R.GOPAN

RESPONDENTS:

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1. THE CORPORATION OF THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM, REP.BY ITS SECRETARY.

2. G.NAGAPPAN NAIR, SECRETARY,
KAILAS NAGAR RESIDENTS ASSOCIATION,
GOKULAM, K34 C., PATTOM,
THIRUVANANTHAPURAM.

3. THE OMBUDSMAN FOR LOCAL SELF
GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM,
REP.BY ITS SECRETARY.

R1 BY ADV.SRI.N.NANDAKUMARA MENON, SC.
R2 BY ADV. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.31495 OF 2006

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DATED THIS THE 14TH FEBRUARY, 2007

J U D G M E N T

Mr.R.Gopan, counsel for the petitioner made a very fervent appeal for quashing Ext.P3 order under which the Ombudsman for Local Self-Government Institutions has directed the Corporation of Thiruvananthapuram to take action against the petitioner. Mr.Gopan would place before me the certificate dated 5.12.2006 issued by the Corporation which is to the effect that the controversial wall constructed by the petitioner has not been surrendered to the Corporation.

2. Whatever that be, it is fairly clear that before Ext.P3 order was passed by the Ombudsman, the Corporation had taken action by issuing a provisional order to the petitioner in respect of the wall in question. To the show-cause notice which was issued by the Corporation, the petitioner has submitted reply, and hearing notice is already issued by the Corporation to all parties. The Corporation will conduct a hearing on the basis of the notice already issued and take a correct decision. It is needless to mention that the Corporation will take due note of its own certificate dated 5.12.2006 issued to the petitioner before taking a decision, apart from taking note of all other

relevant materials. Decision will be taken by the Corporation at their earliest and at any rate within one month of hearing the matter. Once decision is taken, copies of the order will be communicated to all the parties including the petitioner.

The Writ Petition is disposed of as above.

(PIUS C. KURIAKOSE, JUDGE)

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